REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 has been revised. New claim 20 has been added. Support for the revisions and new claim can be found in Fig. 5 and the accompanying text in the specification, among other places. Claims 1-6, 8-10, 12-15 and 17-20 are pending in the application.

Claim Rejections – 35 USC § 103

Claims 1-6, 8-10 and 12-15 are rejected under 35 USC 103(a) as being unpatentable over Ogura (JP 5-126792) in view of Bhullar et al. (US 6,780,296) and further in view of White et al. (US 5,405,511). Applicants respectfully traverse this rejection.

Claim 1 requires a temperature detecting analytical device that includes a table having a projecting portion protruding from a housing and a temperature detection unit located on the projecting portion of the table directly below a reagent portion of an analytical tool when the analytical tool is mounted to the temperature detecting analytical device.

The positioning of the temperature detection unit is advantageous in that, e.g., it is located directly under the reagent portion and thus is in a position that is affected most significantly by variations of the reaction temperature. As a result, the detecting unit is capable of detecting a reaction temperature effectively and accurately (see page 3, lines 19 to 24 of the specification, among other places).

Ogura fails to teach or suggest a temperature detecting analytical device that includes a table having a projecting portion protruding from a housing and a temperature detection unit located on the projecting portion of the table directly below a reagent portion of an analytical tool when the analytical tool is mounted to the temperature detecting analytical device, as required by claim 1. In fact, Ogura discusses a concentration measurement apparatus 1 that includes an apparatus main body 3, a retractable arm 151 and a connector 5, where a biosensor 100 can be moved by the retractable arm 151 into the apparatus main body 3 to be doused with urine (see Ogura,

Fig. 4, and paragraphs [0015] and [0028]). Ogura also discusses that a temperature sensor 131 is disposed on an insulating layer 111 of the biosensor 100 itself, rather than a table having a projecting portion protruding from a housing as required by claim 1. Ogura provides no teachings or suggestions of a temperature detection unit located on a projecting portion of a table directly below a reagent portion of an analytical tool when the analytical tool is mounted to a temperature detecting analytical device as required by claim 1.

Bhullar et al. do not remedy the deficiencies of Ogura. Bhullar et al. discuss a sensor strip 12 being inserted in a gap of a sensor instrument (see Bhullar et al., Fig. 6, col. 2, line 64 to col. 3, line 6). There is no table projecting from the sensor instrument in Bhullar et al. The temperature sensor 32 is located in the gap of the sensor instrument (see Fig. 6 of Bhullar et al.). It is the sensor strip 12 that projects out from the sensor instrument in Bhullar et al., rather than a table of a temperature detecting analytical device required by claim 1.

Moreover, as illustrated in Fig. 6, the temperature sensor 32 in Bhullar et al. is located inside the housing of the sensor instrument, while a sensing region 10 where a reagent is placed is located outside the housing. The sensing region 10 in Bhullar et al. would by no means be located directly below a reagent portion when an analytical tool is mounted to a temperature detecting analytical device as required by claim 1.

The rejection contends that it would be obvious to one having ordinary skill in the art to integrate the sensor strip 12 in Bhullar et al. into the sensor instrument forming one housing unit thus creating a mounting portion, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. However, the table having the projecting portion in the present invention is used for supporting an analytical tool that receives a sample, and detecting the temperature of a reagent portion. There is no reasonable basis for asserting that the sensor strip 12 of Bhullar et al. suggests both the analytical tool and the table including the projecting portion, as the rejection requires to meet claim 1. Moreover, the modification of Bhullar et al. in this manner is contrary to the accepted wisdom in the art at the time of the applicants' invention. In fact, the sensor strip 12, even when integrated

into the sensor instrument and acting as a supporting structure, still need to be replaced each time when a sample is tested thereon. In other words, the supporting structure has to be replaced each time when the sensor strip 12 is used. This makes it unnecessarily burdensome to both the manufacturer and the user.

The rejection contends that it would be obvious to one having ordinary skill in the art to modify Ogura with a reagent portion as taught by Bhullar et al. placing the temperature sensor directly below the reagent portion of the analytical tool to ensure a more accurate temperature reading of said sample. However, Ogura merely discusses the retractable arm 151 moving the biosensor 100 into the commode 150 for measuring (see Ogura, Fig. 4, and paragraph [0028]). Bhullar et al. discuss a sensor strip 12 being inserted in a gap of a sensor instrument, where a temperature sensor 32 at the gap inside the sensor instrument measures the reaction temperature (see Bhullar et al., Fig. 6, col. 2, line 64 to col. 3, line 6). There is nothing in the present record teaching or suggesting any motivation to position a temperature detection unit directly below a reagent portion, much less positioning the temperature detection unit and the reagent portion in a manner required by claim 1, i.e., positioning the temperature detection unit of the temperature detecting analytical device below the reagent portion of the analytical tool mounted onto the projecting portion.

White et al. do not remedy the deficiencies of Ogura and Bhullar et al. White et al. merely discuss a portion of a sample strip 18 projecting from a housing of a biosensing meter 10, where the biosensing meter 10 has no table projecting therefrom (see White et al., Fig. 1). Further, a temperature sensor 30 is arranged only within the housing, rather than on a projection portion that is outside the housing (see White et al., Fig. 1).

For at least these reasons, claim 1 is patentable over Ogura in view of Bhullar et al. and White et al. Claims 2-6, 8-10 and 12-15 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 17-19 are rejected under 35 USC 103(a) as being unpatentable over Ogura in view of Bhullar et al. and White et al., further in view of Nankai et al. (US 5,320,732). Applicants respectfully traverse this rejection. Claims 17-19 depend ultimately from claim 1 and are patentable over Ogura in view of Bhullar et al. and White et al., further in view of Nankai et al. for at least the same reasons discussed above regarding claims 1-6, 8-10 and 12-15. Nankai et al. do not remedy the deficiencies of Ogura, Bhullar et al. and White et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

Respectfully submitted,

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Dated: June 30, 2009

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